

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

2:23-cv-06387-JMA-AYS

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Dalit Cohen, on behalf of herself and all  
others similarly situated,

Plaintiff,

v.

JOINT MOTION TO  
ADJOURN INITIAL  
CONFERENCE

Nutricost

Defendant.  
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Plaintiff Dalit Cohen (“Plaintiff”) and Defendant Nutricost (“Defendant” and, together with Plaintiff, the “Parties” and each, a “Party”), by and through their counsel of record, hereby jointly submit this motion to adjourn the initial conference to February 14, 21, or 28, 2024, or another date after February 8, 2024, that is convenient for this Court as follows:

1. WHEREAS, the Complaint in this matter was filed on or about August 25, 2023 (Doc. 1);
2. WHEREAS, Defendant was served with the Summons and Complaint on or September 11, 2023 (Doc. 5);
3. WHEREAS, this Court scheduled an in-person initial conference for December 20, 2023, at 10:30 am (Doc. 6);
4. WHEREAS, the Parties have filed their joint proposed discovery plan with the Court;
5. WHEREAS, the Parties have discussed resolution of this case. The Parties have scheduled a Mediation with Hon. Leo Papas (Ret.), to take place in San Diego, California on February 8, 2024;
6. WHEREAS, Defendant also plans to file a motion to dismiss the complaint on or before December 15, 2023; and
7. WHEREAS, Plaintiff’s counsel has a conflict with the December 20, 2023, conference;

8. THEREFORE, the Parties have conferred and, in the interests of justice, party and judicial convenience, efficiency, and mutual cooperation, agree and respectfully request that the Court adjourn the initial conference in this matter to February 14, 21, or 28, 2024, or another date after February 8, 2024, that is convenient for this Court;

9. This motion will not impact any other deadlines in this case and the Parties have not previously requested any extensions of time or otherwise stipulated to any other aspect of this case's schedule; and

10. In the alternative, the Parties request permission to attend the December 20, 2023, Initial Conference by remote means, for the reasons set forth herein and additionally as Defendant's counsel is located in Southern California and Plaintiff's counsel is located in Connecticut.

Respectfully submitted,

Dated: December 13, 2023

/s/ Matthew R. Orr  
Matthew R. Orr

Dated: December 13, 2023

/s/ Sergie Lemberg  
Sergie Lemberg

The Court hereby adjourns the initial conference in this matter to \_\_\_\_\_, 2024.

*or, in the alternative,*

The Court hereby authorizes the Parties to attend the Initial Conference by remote means, with instructions to follow.

\_\_\_\_\_  
The Honorable Magistrate Anne Y. Shields

**CERTIFICATE OF SERVICE**

I hereby certify that on December 13, 2023, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

*/s/ Matthew R. Orr*\_\_\_\_\_

Matthew R. Orr